IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.408 OF 2005
IN
ARBITRATION PETITION NO.520 OF 2004

Safianoor Mohamad ...Petitioner
vs.
Parth Share & Stock Brokers P.Ltd. ...Respondent
(in liquidation)

Ms S.R.Kumbhat for the Petitioner

CORAM: A.S.OKA,J.
DATE : AUGUST 22,2007

P.C.:

1. The learned Counsel for the petitioner in support of notice of motion states that the notice of motion has been duly served to the Respondent and she will file an affidavit of service within a period of two weeks from today.

2. None appears for the respondents. The Arbitration Petition filed by the petitioner has been dismissed as none appeared for the petitioner when the petition was called out.

3. In affidavit in support of notice of motion, the reasons have been set out for absence of the petitioner. It is stated that the petitioner could not remain present on account of his ill health and his advocate was held up in another court when the petition was called out. No reply has been filed by the Respondent.

4. In view of what is stated in the affidavit, a case for restoration of the Arbitration Petition is made out. Accordingly, notice of motion is made absolute in terms of prayer clause (A). The Arbitration Petition shall be kept before the appropriate court on 10th September 2007.